

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

HENRY ADAMS,

Plaintiff,

v.

HEATHER SHIRLEY,

Defendant.

No. 1:23-cv-01100-SAB (PC)

ORDER DISCHARGING ORDER TO SHOW  
CAUSE AND GRANTING PLAINTIFF  
THIRTY DAYS TO FILE AN AMENDED  
COMPLAINT

(ECF No. 10)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On August 11, 2023, the Court screened Plaintiff's complaint, found no cognizable claim, and granted Plaintiff thirty days to file an amended complaint. (ECF No. 9.) Plaintiff failed to file an amended complaint or otherwise respond to the Court's order. Therefore, on September 20, 2023, the Court ordered Plaintiff to show cause why the action should not be dismissed. (ECF No. 10.) Plaintiff filed a response on October 3, 2023. (ECF No. 11.) In his response, Plaintiff states that he was not able to file an amended complaint because he was placed in administrative segregation and was without his legal property. On the basis of good cause, the Court will discharge the order to show cause and grant Plaintiff thirty day to file an amended complaint in accordance with the Court's August 11, 2023 screening order.

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Based on the foregoing, it is HEREBY ORDERED that:

1. The order to show cause issued on September 20, 2023 (ECF No. 10) is DISCHARGED;
2. The Clerk of Court shall send Plaintiff a blank amended civil rights complaint form;
3. Plaintiff is granted thirty days from the date of service of this order to file an amended complaint; and
4. Failure to comply with this order will result in a recommendation to dismiss the action.

IT IS SO ORDERED.

Dated: October 4, 2023

A handwritten signature in blue ink, appearing to read "J. A. Be", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE